

EIGHTH DAY

(Monday, January 24, 1955)

The Senate met at 11:00 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Wagon seller
Lock	Weinert
Martin	Willis
McDonald	

Absent—Excused

Strauss

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"O Lord our God, we would be deeply grateful for a day of rest and worship. As we enter upon the duties of a new week, we pray that Thou wilt grant us grace to desire Thee with all our hearts; that so desiring we may seek and find Thee; and finding Thee may love Thee; and loving Thee, may hate those sins that Thou hast redeemed us from. We pray in Christ's name. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 20, 1955, was dispensed with, and the Journal was approved.

Leave of Absence

Senator Strauss was granted leave of absence for today on account of important business on motion of Senator Kelley.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committees indicated:

By Senator Kelley:

S. B. No. 78, A bill to be entitled "An Act amending Sections 186 and 193 of the Election Code of the State of Texas (codified as Articles 13.08 and 13.15 in Vernon's Texas Election Code), changing the basis of assessment and the method of payment of the filing fee for candidates for Justice of the Court of Civil Appeals in primary elections."

To the Committee on Privileges and Elections.

By Senator Weinert:

S. B. No. 79, A bill to be entitled "An Act regulating the take, catch, and disposition of fish and minnows from the lakes, ponds, rivers, or creeks within the boundaries of Comal County; prohibiting the use of poisons, drugs, explosives, and substances or things deleterious to fish in said waters; providing penalties for violation; and declaring an emergency."

To the Committee on Game and Fish.

By Senator Parkhouse:

S. B. No. 80, A bill to be entitled "An Act amending Article 4605 of the Revised Civil Statutes of 1925 to make it a misdemeanor offense for a clerk to issue a marriage license to applicants under twenty-one in case of males or under eighteen in case of females without the consent of parents or guardian or County Judge and without requiring substantial evidence of age; prescribing form of consent; authorizing the clerk to require evidence; prescribing a penalty; making an exception; containing a separability clause; and declaring an emergency."

To the Committee on Criminal Jurisprudence.

By Senator Willis:

S. B. No. 81, A bill to be entitled "An Act amending Section 1 of Senate Bill 79, Acts of the 52nd Legislature, Regular Session, 1951, Chapter 386, Page 669 so as to increase the salaries of the justices of the Supreme Court, the judges and commissioners of the Court of Criminal Appeals, the justices of the Courts of Civil Appeals, and the judges of the district courts and of the Criminal District Courts of the State of Texas; providing for and fixing their sal-

aries; providing that this Act shall not repeal any law providing for supplemental salaries paid by the counties; providing a severability clause; and declaring an emergency."

To the Committee on Finance.

By Senator Corbin:

S. B. No. 82, A bill to be entitled "An Act requiring a declaration of party affiliation on the voter's poll tax receipt, exemption certificate, or party registration certificate as a prerequisite to voting in a primary election of a political party and making provisions relative to issuance and use of receipts and certificates containing information on party affiliation; and declaring an emergency."

To the Committee on Privileges and Elections.

By Senator Corbin:

S. B. No. 83, A bill to be entitled "An Act creating, as a temporary court, an additional district court for Lubbock County to be known as the District Court of the 140th Judicial District; providing for the terms and jurisdiction of the Court; providing for the appointment of a Judge of said Court; prescribing his qualifications, powers and duties; providing for his compensation and making necessary appropriations; providing that the 72nd Judicial District of Texas, the 99th Judicial District of Texas and the 140th Judicial District of Texas herein created shall have concurrent jurisdiction with each other; providing for the transfer of cases; prescribing the duties of the District Clerk of Lubbock County relating to this Court; providing for the appointment of an official shorthand reporter in the newly created District Court and providing for his compensation; providing that the District Attorney of the 72nd Judicial District Court shall act as District Attorney for the newly created District Court; providing that the Sheriff of Lubbock County shall perform the duties in connection with the Court herein created as provided by law; providing that all grand and petit juries drawn and selected under existing laws in the county of Lubbock shall be considered as lawfully drawn and selected for the next ensuing term of the newly created District Court; providing that this Court shall cease to exist on the 31st day of December,

1961; providing for a severability clause; and declaring an emergency."

To the Committee on Judicial Districts.

By Senator Lane:

S. B. No. 84, A bill to be entitled "An Act to amend Article 1919, Revised Civil Statutes of Texas, 1925, as amended; prescribing that the terms of all district courts, including criminal district courts, shall be continuous; providing for as many sessions of court in any county as the judge deems proper and authorizing him to adopt rules and regulations relating thereto; providing for trial of certain cases and performing of certain acts by district judges, including visiting judges, in any county in their respective districts; validating certain orders heretofore entered; making certain actions and proceedings taken before the effective date of this Act valid for the next succeeding terms as established by this Act; providing for continuation of terms until expiration under existing laws for courts which are in session when this Act takes effect; repealing conflicting laws; and fixing the effective date of this Act."

To the Committee on Civil Jurisprudence.

By Senators Rogers of Childress and Willis:

S. B. No. 85, A bill to be entitled "An Act exempting from taxation the property of organizations known as The American Legion or local organizations of or affiliated with The American Legion; and declaring an emergency."

To the Committee on State Affairs.

By Senator Aikin:

S. B. No. 86, A bill to be entitled "An Act providing for the certification of teachers, the professional service and administrative personnel of the public free schools of Texas who hold a bachelor degree or better from a college or university approved for teacher education by the State Board of Education upon recommendation of the State Commissioner of Education; authorizing and providing for the issuance of designated teacher certificates to applicants qualified under the plan and conditions prescribed in this Act; providing for the issuance of temporary emergency

teacher permits in emergency situations governed by regulations of the State Board of Education and out-of-state teacher applicant situations; prescribing application fees for teacher certificates and permits and duplications thereof and the use of fees collected; providing for the preservation of certificate rights of present holders of valid Texas teacher certificates issued prior to the effective date of this Act, and the issuance to such applicants of equivalent new certificates without payment of fee; authorizing all persons enrolled in a college approved for teacher education prior to the effective date of this Act to pursue their teacher education to completion and receive the certificate authorized under the certification law in effect prior to this Act; providing for the recording of teacher certificates; prescribing general qualifications and conditions applicable to certain alien and exchange teachers; authorizing the State Board of Education by rules and regulations, not inconsistent with the provisions of this Act, to provide for administration of the law in situations not foreseen in the enactment of this Act; repealing Articles 2882, 2883, 2890 and 2891, Revised Civil Statutes of Texas of 1925; and House Bill 109, Acts 41st Legislature, R. S., 1924, Chapter 38, page 73, as amended by Senate Bill 292, Acts 50th Legislature, R. S., 1947, Chapter 281, page 484, and as amended by House Bill 356, Acts 50th Legislature, R. S., 1947, Chapter 282, page 485 (codified as Article 2880a in Vernon's Annotated Civil Statutes); providing a severability and savings clause; providing this Act shall become effective September 1, 1955; and declaring an emergency."

To the Committee on Educational Affairs.

By Senator Bracewell:

S. B. No. 87, A bill to be entitled "An Act amending Section 1 of Chapter 39, Acts of the 44th Legislature, Regular Session, as amended (codified as Section 1 of Article 4639a in Vernon's Texas Civil Statutes), requiring petitions and cross-petitions for divorce to contain information relative to children of the parties to the marriage; making provisions relative to custody and support of children under 18 years of age in event divorce is granted; providing for further proceedings relative to custody and support and fixing venue of such

suits; authorizing inquiry into surroundings and circumstances affecting custody and support; providing for testimony by parents; authorizing appointment of next friend to investigate and report on conditions concerning children, and allowing a fee therefor; authorizing enforcement of court orders by contempt proceedings after notice; and declaring an emergency."

To the Committee on Civil Jurisprudence.

By Senator Martin:

S. B. No. 88, A bill to be entitled "An Act to amend Article 2618 of the Revised Civil Statutes of 1925 of the State of Texas, as amended, so as to provide for a four-year college at Tarleton State College; prescribing courses of study; and providing an effective date; and declaring an emergency."

To the Committee on State Affairs.

By Senator Martin:

S. B. No. 89, A bill to be entitled "An Act making appropriations to supplement the appropriations for retirement payments and refunds of contributions under the Judiciary Retirement System for the fiscal year ending August 31, 1955; and declaring an emergency."

To the Committee on Finance.

By Senator Martin:

S. B. No. 90, A bill to be entitled "An Act amending Sections 3A, 6, and 8 of Chapter 99, Acts of the 51st Legislature, Regular Session, so as to transfer certain administrative duties under the Judiciary Retirement Act to the Clerk of the Supreme Court of Texas; providing for additional compensation to the Clerk for his services in administering the Act; making appropriations for payment of the additional compensation; stating the effect of this Act on current appropriations; and declaring an emergency."

To the Committee on Finance.

By Senators Ratliff, Hardeman, Corbin, Owen, Willis, Ashley and Hazlewood:

S. B. No. 91, A bill to be entitled "An Act constituting the owner of the soil the Agent of the State for the purpose of leasing all of the minerals, other than oil and gas, that may be upon and within surveyed

public free school lands and asylum lands and portions of such surveys that have heretofore been sold with all minerals reserved to the State; providing for one-half ($\frac{1}{2}$) of all bonuses, rentals, and royalties to be paid by the lessee to the State and like amounts to the owner of the soil, the amounts received by the owner of the soil to be in lieu of all damages to the soil; providing for all payments to the State to be made through the Commissioner at Austin, Texas; providing for forfeiture of the leases for failure of the lessees to comply with the law; and providing for the repeal of all conflicting laws or parts thereof; and declaring an emergency."

To the Committee on Oil, Gas and Conservation.

By Senator Latimer:

S. B. No. 92, A bill to be entitled "An Act to prohibit the sale, or exposing for sale of fireworks; providing exceptions; defining fireworks, regulating the manner of using fireworks under certain conditions, providing penalties for the violation of the provisions of this Act; and declaring an emergency."

To the Committee on Criminal Jurisprudence.

By Senator Lock:

S. B. No. 93, A bill to be entitled "An Act making an appropriation to the Stephen F. Austin State College for the purpose of repairing its Science Building; and declaring an emergency."

To the Committee on Finance.

Resolution Signed

The President signed, in the presence of the Senate, after the caption had been read, the following enrolled resolution:

S. C. R. No. 4, Granting the District Judges permission to leave the State.

Senate Concurrent Resolution 6

Senator Fuller offered the following resolution:

S. C. R. No. 6, Granting Ben Brown of Bridge City, Orange County, Texas, permission to sue the State.

Whereas, Joyce M. Brown, wife of Ben Brown, both of whom reside in Bridge City, Orange County, Texas,

allege that on or about February 18, 1954, Joyce M. Brown was driving a 1950 Plymouth, with 1954 Texas license JK-1487, owned by her and her husband, on U. S. Highway No. 87; that said Mrs. Brown gave the proper signal to make a left-hand turn at the intersection of U. S. Highway No. 87 with Canal Street in Bridge City, Orange County, Texas, and, giving the proper signal, stopped in the right-hand lane of said Highway while waiting for a vehicle approaching from the opposite direction to pass so that she could complete her turn; while thus stopped, a 1950 Chevrolet, with 1954 Texas license XH-6779, owned by the Texas Highway Department and driven by C. W. Gandy, an employee of the Texas Highway Department, approached Mrs. Brown's vehicle going in the same direction as was Mrs. Brown's vehicle, and struck the rear of Mrs. Brown's vehicle, and knocked it into the path of the vehicle above mentioned, which was approaching from the opposite direction, which struck Mrs. Brown's vehicle on the right side; that the said C. W. Gandy was negligent in that he failed to keep a proper lookout or to follow a safe distance behind the vehicle in front of him, and that such negligence resulted in, and was the proximate cause of the accident hereinabove described; that said C. W. Gandy was an agent and employee of the Texas Highway Department; that said accident resulted in damages to the automobile of Mr. and Mrs. Brown, and further resulted in personal injuries to Mrs. Brown; that the proper authorities of the State of Texas and of the Texas Highway Department were notified of said accident, and Mr. and Mrs. Brown's claim for injuries and damages resulting from same, but that no compensation has been made by the Texas Highway Department or the State of Texas for such damages and injuries, nor have Mr. and Mrs. Brown received any compensation for same; that there is no provision of law whereby Mr. and Mrs. Brown can secure judgment and enforce payment for damages and injuries, except by a court of competent jurisdiction, and it is necessary that the State of Texas and the Texas Highway Department, be made a party to said suit; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, that the said Ben Brown and Joyce M. Brown be, and they are here-

by, granted permission to file suit against the State of Texas and the Texas Highway Department in a court of competent jurisdiction in Orange County, Texas, within a period of two (2) years after the effective date of this resolution; and be it further

Resolved, That service of citation and/or all other necessary processes shall be had upon the chairman of the State Highway Commission and the Attorney General of Texas; it is further

Resolved, That no admission of liability of the State is made by this resolution, and the facts as set out herein must be proven in court.

The resolution was read and was referred to the Committee on Civil Jurisdiction.

Report of Standing Committee

Senator Fly by unanimous consent, submitted the following report:

Austin, Texas,
January 24, 1955.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Counties and County Boundaries, to whom was referred S. B. No. 64, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

FLY, Chairman

Presentation of Guests

Senator Willis, by unanimous consent, presented Mr. and Mrs. Grady Helm of Fort Worth, Texas, to the Members of the Senate.

Adjournment

On motion of Senator Hardeman the Senate at 11:25 o'clock a. m. adjourned until 10:30 o'clock a. m. tomorrow.

In Memory of
Dr. Reuben Wright Jackson

Senator Parkhouse offered the following resolution:

(Senate Resolution 24)

Whereas, God in His infinite wisdom saw fit to close the esteemed career of Doctor Reuben Wright Jackson by calling him to his heavenly reward on January 18, 1955, in the 65th year of his life; and

Whereas, Dr. Reuben W. Jackson was born in Mexia, Texas, and began his medical education at the University of Texas Medical School in Galveston and was graduated in 1912 from Tulane University Medical School in New Orleans; and

Whereas, Dr. Reuben Jackson was for 30 years a medical and business leader in Dallas, serving for many illustrious years as a member of the Dallas County Medical Society, the Texas Medical Association and the American Medical Association, and was also president of the Board of Texas Radiation and Tumor Institute, and was noted in medical circles for his ability as a lung and heart specialist; and

Whereas, Dr. Reuben Jackson was a leader in Methodist church work in Dallas, having served as chairman of the boards of stewards of Grace Methodist Church, the Ervay Street Methodist Church, and the Highland Park Methodist Church; and

Whereas, Dr. Reuben Jackson served as a member of the Board of Development of Southern Methodist University, an active member of the Dallas Rotary Club and the Dallas Country Club. He was noted throughout the State of Texas as being the organizer and founder of one of the first drive-in stands in the Southwest, and at the time of his death was president of Pig Stands, Inc.; and

Whereas, This great Texan was a veteran member of local, state and national medical organizations, a pioneer in the drive-in business, and a leader in church work in Dallas and Dallas County, striving always for the betterment of his city and his state; and

Whereas, It is the desire of the Senate of Texas to recognize and to pay tribute to the memory of this outstanding Texan; and to express sympathy to his mother, his wife, his two daughters, his two sisters, and his eight grandchildren; now, therefore, be it

Resolved, By the Senate of Texas, that the loss of this esteemed citizen and medical and church and civic leader is a loss to the City of Dallas and to the Entire State; and that a copy of this Resolution be sent to the members of his family as a token of our sympathy; and, be it further

Resolved, That when the Senate adjourns today, it do so in respect to the memory of Dr. Reuben Wright Jackson.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of
Charles Salter Gainer

Senator Moore offered the following resolution:

(Senate Resolution 25)

Whereas, On January 13, 1955, Our Heavenly Father, in His infinite wisdom, did call from his earthly home, Charles Salter Gainer of Bryan; and

Whereas, Mr. Gainer was a well-known resident and an outstanding civic leader of the City of Bryan; and

Whereas, He was born in Bryan, Brazos County, Texas, on the 1st day of December, 1870, attended public schools in Bryan and later attended A. & M. College, later studying and passing the Texas bar examination when twenty-one years old; and

Whereas, Mr. Gainer practiced law in Brazos County, and was a plantation owner in the Brazos Valley, a member of the First Baptist Church of Bryan, the Elks Club and the Brazos County Bar Association; and

Whereas, In 1914 he was elected to the State Legislature, serving for many years in the House of Representatives and the Senate, during which time he gave his untiring efforts for the advancement and betterment of A. & M. College and for this great work he earned the gratitude of all those who love A. & M. It was during his senatorship that one of the A. & M. College dormitories was named in his honor; now, therefore, be it

Resolved, By the Senate of Texas, that a page in the Journal be set aside in memory of Charles Salter Gainer, and that when the Senate adjourns today it do so in his honor; that copies of this resolution be sent to his surviving wife, Mrs. Hettie Dunlap Gainer, Bryan, Texas, his daughter, Mrs. Charles S. Pipkin, Beaumont, Texas, and his son, C. S. Gainer, Jr., Houston, Texas.

MOORE
COLSON

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bracewell, Corbin, Fly, Fuller, Hardeman, Hazlewood, Kazen, Kelley, Lane, Latimer, Lock, Martin, McDonald, Moffett, Owen, Parkhouse, Phillips, Ratliff, Roberts, Rogers of Childress, Rogers of Travis, Secrest, Shireman, Strauss, Wagonseller, Weinert, Willis.

The resolution was read.

On motion of Senator Wagonseller the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.